IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.255 OF 2007

Smt Hilda w/o Peter Goveas & Ors .. Petitioners.

Vs

Surgeon Ltd Comdr.Patrick
K.Desylva and ors. .. Respondents.

Mr Vishwanath Talkute, for the petitioners.
Mr S.A.Bhagwat, for the respondents.

CORAM : **D.B.BHOSALE,J.**
DATE : 02.03.2007

PC:

1. Heard the learned counsel for the parties.

2. By this writ petition, the petitioners have impugned the order, by which their prayer for striking off a part of the evidence led by the plaintiff-landlord, has been rejected. While rejecting the application, the trial court has observed that it has taken a note of the objections and the petitioners-defendants can raise all these objections during the cross examination and at the stage of final arguments. Keeping this in view and considering overall facts and circumstances of the case in view, I do not find any reason to interfere with the order impugned in the present petition under Article 227 of the

Constitution of India. Moreover, it is always open to the petitioners to raise all these contentions in the further proceedings in the event their objections are ultimately rejected by the trial Court and the suit is decreed against them. In the circumstances, the writ petition fails and disposed of as such.

(D.B.BHOSALE,J.)